WHITE ADDITION

Box
Index No.

This Abstract MUST be returned at once to
JAS. A. CLAYTON & CO.

ABSTRACT OF TITLE
OF PROPERTY OF

"H. J. Mabury Trust Co

(1450) 1887

15817 11/278

ABSTRACT OF TITLE

TO

LOTS 67 TO 72, BLOCK 6,

WHITE'S ADDITION.

CITY OF SAN JOSE,

COUNTY OF SANTA CLARA,

STATE OF CALIFORNIA,

As Shown by the Records of Said County.

F. 168

Dated MARCH 6, *190* 6

MADE AT THE REQUEST OF

THE H. & J. MABURY TRUST CO.

San Jose Abstract Company,

INCORPORATED—APRIL, 1891.

BANK OF SAN JOSE BUILDING,

SAN JOSE, CALIFORNIA.

San Jose Abstract Co.

F.168

Abstract of Title.

TO

All that certain parcel of land in the City of San Jose, County of Santa Clara, State of California bounded and described as follows, to wit:-

Lots No. 67, 68, 69 and 70 in Block No. 6 of Whites Addition to the City of San Jose as shown upon the official Map of said City.

SUBSEQUENT TO OCTOBER 6, 1860.

ROYAL BOND

A B S T R A C T

of the

P U E B L O T I T L E

Derived under the Acts of the Legislature of the

S T A T E O F C A L I F O R N I A

through the

C I T Y O F S A N J O S E.

-oOo-

H I S T O R Y.

The Mayor and Common Council of the City of San Jose, claimants for lands described by boundaries granted July 22, 1778 by Felipe de Neve, Governor of the Province of Upper California, to the Pueblo of San Jose de Guadalupe.

Claim filed July 14th, 1852 Confirmed by the Board of Land Commissioners, February 5th, 1856. Appeal taken August 6th, 1857 Confirmed by the District Court November 26, 1859 Appeal on behalf of the U. S. Granted February 16th, 1860. Decree of Final Confirmation entered in the U. S. District Court June 13th, 1866.

REFFERENCE TO STATUTES OF THE STATE OF CALIFORNIA.

Statutes of 1856- Chapter CXXXVl.

An act to Authorize the Funding of the Debt of the City of San Jose, and to Provide for the Payment of the Same.

(Approved April 19, 1856.)

Statutes of 1858, Chapter CCXXXlll.

An Act to Authorize the Funding of the Unfunded Debt of the City of San Jose, and to Provide for the Payment of the Same.

(Approved April 21, 1858.)

REFERENCE TO PROCEEDINGS OF THE BOARD OF TRUSTEES OF THE CITY OF SAN JOSE.

-oOo-

May 17, 1858- Resignation of Thomas Fallon accepted.

(Page 265)

June 10, 1858- Election of S. O. Houghton to fill vacancy created by resignation of Thomas Fallon.

(Page 266)

June 16, 1858- Bond of William Daniels, James C. Cobb and Sherman O. Houghton, in the penal sum of $15,000 filed.

(This bond is not approved by any person or Court.)

Oath of Office taken before J. R. Weller, J. P. (of Milpitas Township) June 11, 1858.

August 2, 1858- The "Ordinance to carry into effect the Act concerning the Funding of the Unfunded Debt of the City of San Jose, approved April 21, 1858" was taken up, amended and adopted.

(Page 269)

-oOo-

The City of San Jose,
By Peter O. Minor,
President of the Board of Trustees
— To —
William Daniels,
James C. Cobb, and
S. O. Houghton,
Commissioners of the Funded Debt
of the City of San Jose.

D E E D.

Dated August 4, 1858.

Cons: Premises.

Whereas, William Daniels, James C. Cobb and Sherman O. Houghton, have duly qualified as Commissioners of the Funded Debt of the City of San Jose, in accordance with the requirements of an Act of the Legislature of the State of California, approved April 21, 1858, entitled "An Act to Authorize the Funding of the Unfunded Debt of the City of San Jose, and to provide for the payment of the same," and whereas, the Board of Trustees of the City of San Jose, did on August 2, 1858, by an ordinance passed by them and duly approved August 2, 1858 authorize, empower and direct P. O. Minor, President of the Board of Trustees, to make, execute, acknowledge and deliver to said Commissioners a deed of conveyance, conveying to said Commissioners all the property, and right, titles and interest in property belonging to said City, together with lands, and rights in lands or claims to the same, held or owned by the former Pueblo de San Jose de Guadalupe, and all the Pueblo rights of said Pueblo, in trust for the payment of the debts of said City; and now, therefore

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL

I, Peter O. Minor, President of the Board of Trustees of the City of San Jose, in behalf of said City, by virtue of the authority conferred upon me by said ordinance, in consideration of the premises, grant, bargain, sell and convey unto William Daniels, James C. Cobb and S. O. Houghton, Commissioners of the Funded Debt of the City of San Jose, and to their successors in office, all those certain lands lying in the County of Santa Clara, State of California, to wit: All the property, and rights, titles and interests in property belonging to said City, together with the lands and rights in lands, or claims to the same held or owned by the former Pueblo de San Jose De Guadalupe, and all the Pueblo Rights of said Pueblo, upon trust to sell and dispose of the same in such manner as they deem the best interests of said City require, and apply all the moneys which shall be received by them from the sales of said lands to the payment of the Funded Debt of the City of San Jose, after paying the necessary expenses of said Board of Commissioners.

Acknd. August 23, 1858.

Before John B. Hewson,

County Clerk of Santa Clara County.

Recorded September 4, 1858.

Liber "L" of Deeds, Page 672.

REFERENCE TO STATUTES OF THE STATE OF CALIFORNIA.

Statutes of 1859- Chapter XCll.

An Act supplementary to and amendatory of "An Act to Authorize the Funding of the Unfunded Debt of the City of San Jose, and to provide for the payment of the same" approved April 21, 1858.

(Approved March 7, 1859)

-oOo-

REFERENCE TO PROCEEDINGS OF THE COMMON COUNCIL OF THE CITY OF SAN JOSE.

May 2, 1859- Resignation of William Daniels as one of the Board of Commissioners of the Funded Debt offered and accepted.

(Page 265)

May 9, 1859- Clerk instructed to present resignation of William Daniels, and request him (Daniels) to direct it properly.

(Page 296)

May 14, 1859- William Daniels Released from his bond as one of the Commissioners of the Funded Debt.

(Page 298)

June 6, 1859- Lawrence Archer elected to fill vacancy created by the resignation of William Daniels.

(Page 300)

June 24, 1859- Bond of James C. Cobb, Sherman O. Houghton and Lawrence Archer in the penal sum of $15,000. (No endorsement or memorandum of filing)

-ooo-

Oath of office annexed, sworn to before Thomas Fallon, Mayor, June 24, 1859.

February 3, 1861 "Resignation of Mr. Archer as a member of the Board of Fund Commissioners was accepted, and

Judge Daniels unanimously chosen to fill the vacancy."

(Page 376)

Feb -- , 1861 Bond of J. C. Cobb, S. O. Houghton and William Daniels. Oath of Office taken by Daniels before R. B. Buckner, Mayor of the City of San Jose.

-oOo-

REFERENCE TO STATUTES OF THE STATE OF CALIFORNIA.

Statutes of 1862- Chapter CXXVl.

An Act supplementary to an Act entitled "An Act to authorize the Funding of the Unfunded Debt of the City of San Jose, and to provide for the payment of the same, approved April 21, 1858."

(Approved April 8, 1862)

Statutes of 1863- Chapter CXLll.

An Act to amend an Act entitled "An Act to authorize the Funding of the Unfunded Debt of the City of San Jose, and to provide for the payment of the same, approved April 21, 1858.)

(Approved April 6, 1863)

-oOo-

REFERENCE TO PROCEEDINGS OF THE COMMON COUNCIL OF THE CITY OF SAN JOSE.

November 14, 1864 Resignation of S. O. Houghton, one of the Board of Commissioners of the Funded Debt of the City of San Jose, Presented and laid over.

(Page 241)

November 15, 1864- Resignation of S. O. Houghton as one of the Board of Commissioners of the Funded Debt of the City of San Jose accepted. Ordinance passed and approved appointing Francis E. Spencer a Commissioner of the Funded Debt of the City of San Jose.

(Page 242)

November 25, 1864- Bond of William Daniels, James C. Cobb and Francis E. Spencer in the penal sum of $15,000. Oath of office (of all appended, sworn to before Jas. A. Clayton, County Clerk, Santa Clara County.)

-oOo-

REFERENCE TO STATUTES OF THE STATE OF CALIFORNIA.

Statutes of 1866. Chapter XXIX.

An Act to Abolish the Board of Commissioners of the Funded Debt of the City of San Jose.

(Approved January 17, 1866)

-oOo-

Francis F. Spencer,
James C. Cobb and
William Daniels,
Commissioners of the Funded Debt
of the City of San Jose.

— To —

The Mayor and Common Council
of the City of San Jose, and
their successors in office.

D E E D.

Dated January 26, 1866.

Cons: Authority Conferred.

and $1.

Whereas all of the indebtedness of the City of San Jose which existed on the 21st day of April 1858, and all of the indebtedness of said City, which was authorized to be funded by virtue of an Act approved April 21st, 1858, has been fully paid; and whereas, the Legislature of the State of California passed "An Act entitled an Act to Abolish the Board of Commissioners of the Funded Debt of the City of San Jose." Approved January 17th 1866, wherein it is expressly provided that said Commissioners, or a majority thereof, are required to convey to the Mayor and Common Council of the City of San Jose, on the application of the Mayor thereof, all the property and rights, titles and interest in property belonging to said Commissioners, together with lands and rights in lands, or claims to the same, held or owned by the former Pueblo de San Jose, and whereas, the said Mayor of the City of San Jose did, January 25th, 1866 make a demand on said Board of Commissioners of the Funded Debt requiring said Board to make, execute and deliver a proper deed of conveyance

from said Board to said "Mayor and Common Council" of all the property, rights, titles and interests in property belonging to said Commissioners which remained in their hands unsold on the 17th day of January A. D. 1866.

Now, therefore, do grant, bargain, sell and convey unto the "Mayor and Common Council of the City of San Jose", and their successers in Office, in trust for the use and benefit of said City and the Citizens thereof, all those certain lands lying in the County of Santa Clara, State of California, to wit: All the property belonging to said Commissioners as such rights, titles and interests in all the lands and claims to any and all the lands held or owned by the former Pueblo de San Jose de Guadalupe, meaning thereby all right, title, claim and interest in the property and lands aforesaid acquired by said Board of Commissioners by a certain deed of conveyance to said Board made and executed by P. O. Minor as President of the Board of Trustees of the City of San Jose, dated on the 4th day of August A. D. 1858, and recorded in Book L of Deeds, page 672 etc. in the Office of the Recorder of the County of Santa Clara, excepting from this conveyance however, all such lands as may have been heretofore sold to private persons by said Commissioners.

Acknd. February 3, 1866.

Before Charles G. Thomas, N. P.

Recorded February 6, 1866.

Liber "U" of Deeds, Page 589.

REFERENCE TO STATUTES OF THE STATE OF CALIFORNIA.

An Act to re-incorporate the City of San Jose.

(Approved March 17, 1866.)

The United States of America

—To—

The Mayor and Common Council

of the City of San Jose,

their successors and assigns.

PATENT.

Dated. June 4, 1884.

Do give and grant unto the said Mayor and Common Council of the City of San Jose, their successors and assigns, the Tract of land embraced in the foregoing survey (embracing within its exterior boundaries the property under search.)

TO HAVE AND TO HOLD &c.

(Signed) By the President,

Chester A. Arthur.

By Wm. H. Crook, Secretary.

Recorded in Vol. 12, Page 341 to 426 inclusive.

S. W. Clark, Recorder of the General Land Office.

Recorded. July 11, 1884.

Liber D of Patents, Page 12.

Sherman O. Houghton
James C. Cobb
Lawrence Archer
as the Board of Commissioners of
the Funded Debt of the City of San Jose

- TO -

Russel P. German.

D E E D

Dated October 6, 1860

Cons: $13.75.

Remise, release and forever quit claim unto the said party of the second part and to his heirs and assigns forever, all the right, title and interest of the said parties of the first part as said Board of Commissioners acquired by them by through or under a certain deed of conveyance from the City of San Jose, bearing date August 4, A. D. 1858 and recorded in the office of the said County of Santa Clara on pages 672 and 673 in Book L of Deeds in and to all those certain parcels of land in the City of San Jose, County of Santa Clara lying in Whites Addition to said City between Jackson, Fourth, Empire and First Streets and known as Lots 25, 26, 27, and 28, 31, 32, 33 and 34 in Block 3.

Also Lots 61, 62, 63, 64, 67, 68, 69 and 70 in Block 6 (and other lots) all of which are fifty vara lots, expressly reserving from this conveyance all streets and rights of the public in relation thereto.

Acknd. October 27, 1860

Before Peter O. Minor, N. P.

Sanctioned and approved by the City Government of the City of San Jose, November 8, 1860.

(seal) James V. Tisdale, City Clerk

R. B. Buckner, Mayor of the City of San Jose

Recorded January 30, 1861

Book O Deeds, page 26.

R. P. German
and his wife
Nancy L. German

— To —

Woods Mabury and
Hiram Mabury.

D E E D

Dated September 2, 1867

Cons: $5000.00.

Remise, release and quitclaim unto thesaid parties of the second part and to their heirs and assigns forever, all the right, title and interest of the said parties of the first part in and to those certain lots of land lying and being situate in the City of San Jose, County of Santa Clara and State of California which are known on a Map or plan of said City made by Sherman Day as Lots numbered 61, 62, 63, 64 67, 68, 69 and 70 in Block 6 in Charles Whites Addition. Said lots being each 50 varas square and bounded North by lots 65 and 71 in the same block East by Third Street; South by Empire Street and West by Second Street.

(Sgd) Russell P. German (seal)
Nancy L. German (seal)

Acknd. September 2, 1867

Before Frs. E. Spencer, N. P.

Recorded September 2, 1867

Liber "Z" Deeds, page 122.

SUPERIOR COURT

OF THE

COUNTY OF SANTA CLARA

In the Matter of the Estate

— of —

Woods Mabury, Deceased.

REG. E PAGE 165 ESTATE No. 1677

1884

Aug 1 Last Will and Testament filed.

Copy.

In the Name of God: Amen,

I, Woods Mabury of the County of Santa Clara in the State of California do make this my last will and testament hereby revoking all wills heretofore made by me.

First. I make, constitute and appoint my wife Mary Ann Mabury my son-in-law Charles W. Breyfogle and my son Alexander W. Mabury and their successors (who may be selected as herein provided) the executors of this will and the guardians of the estate of my infant daughter Nevada Mabury to act as such Executors and Guardians without giving any bond, undertaking or security of any kind.

Second: Should one or more of the said persons appointed Executors and Guardians fail or refuse to qualify as such or at any time before the full execution of the trusts herein conferred should fail or refuse to act as such, then and as often as such contingency shall occur it is my will and I so order and direct that the one or two acting executors and guardians shall appoint to such vacancy or vacancies as the case may be, my son Frank H.

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Mabury or my daughter Mary W. Mabury or both of them making the number of three at all times acting as such Executors and Guardians with full power as herein given and without bond or security as herein provided.

Third: I declare that at the time of my marriage with my wife, I was the owner of property consisting mainly of and about equivalent in value to the real estate now owned by me in the County of Clark in the State of Indiana and such real estate is properly my separate property. It is therefore my will and I so order and devise and give all the lands and tenements of which I may die the owner situated in said County of Clark and State of Indiana to all my children to wit: James B. Mabury, Ollie H. Breyfogle, Alexander W. Mabury, Lizzie A. McBurney, Laura H. Carlton, Mary W. Mabury, Frank H. Mabury, Park C. Mabury, Lillian V. Mabury and Nevada Mabury share and share alike the same or the proceeds thereof to be distributed and delivered to them respectively in full and absolute property at the time or times and in the manner hereinafter provided. Should I dispose of any of the property in this article provided for during my life I will divide the proceeds thereof amongst said children or reinvest the money for their benefit.

Fourth: I declare that in the year 1872. I determined to give to each of my said children in United States Currency the sum of five thousand dollars as soon as I could conveniently do so and as they might seem to need or be able to use the same in accord-

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ance with this determination and in pursuance thereof I have paid to them up to the date of May 10th 1877 the sum of thirty seven thousand three hundred and sixty two dollars, leaving a balance unpaid of twelve thousand six hundred and thirty eight dollars.

It is my intention to make full payment during my life of said balance but if my death shall occur before the completion of the payments my books will show the state of this account with my several children and I will and direct that my determination of 1872 be carried out to completion by the executors of this will and with this view and for this purpose I set apart the following described railroad bonds being twenty nine in number now in the care of J. H. Campbell and deposited in the bank of Louisville in the City of Louisville, State of Kentucky to wit;

12 Bonds of I. M. and J. R. road

7 Bonds of Pittsburgh, Cincinnati and Saint Louis Railroad.

6 Bonds of Saint Louis, Vandalia and Terre Haute R. R. and

4 Bonds of I. M. and J. R. road 2nd Mortgage., and I direct my executors to appropriate the same or any part or number thereof remaining undisposed of at the time or a sufficient part thereof to make up and complete the said gift of five thousand dollars in currency to each of my said children.

And I do further declare that on the first day of January 1871 I determined to give to each of my said children five thousand dollars in seven per

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cent Railroad Bonds and in pursuance thereof I have given to my son James B. Mabury his part in full and to my daughter Laura H. Carlton one thousand dollars of her part, leaving forty four thousand dollars in such bonds unpaid. Should I die without having carried out this determination fully, I order and direct the executors of this will so to do after my death.

I further declare that the requisite bonds have been set apart in said Louisville Bank for such purpose during my life I propose to deliver said Bonds last named as may to me seem best and in the mean time receive the interest thereon and disburse the same as I may think proper. My Books and papers will show the state of this account and I charge said executors to carry out this last named determination if any thing shall remain undone of this determination by me.

Fifth: All the remainder and balance of my estate of every kind and description consisting mainly of real estate in the State of California and Bonds and Stocks and other property and rights whether in the State of California or the State of Indiana or elsewhere I treat as common property and dispose of as follows, the one half thereof to my said wife Mary Ann Mabury and the other half thereof to my said ten children share and share alike to be distributed to them and conveyed and delivered to them respectively in full and absolute property with fee simple title as is herein provided and directed and I do will, bequeath and devise accordingly.

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Sixth: If any one or more of my said children shall die without leaving any child of him or her lawfully begotten at any time before delivery to such child of mine of his or her part or share of my estate, the part or share of such deceased child shall go and belong in full property to the surviving brothers and sisters of such deceased child or their lawful child or children if dead in equal proportions.

Seventh: For the purpose of carrying out the provisions of this will with the least attainable expense and embarrassment reposing as I do full confidence in the persons named herein as or to be executors I give, devise and bequeath to the Executors of this Will all of my estate both personal and real wheresoever being or situated in trust to hold and dispose of in accordance with the provisions and directions of this document to the persons interested in my estate hereby giving full authority and power of disposition of all property and of distribution and delivery to my legatees and devisees of their share and part of my estate and it is my will and direction that in the management and distribution of all and every part the acting executors of this will be free from all interference of or control by any Court whatever or accountability to any Court for their acts unless in case of abuse of the trust herein reposed.

And I do expressly authorize and empower the executors hereof to sell, convey and dispose of any and every part of the property of my estate and

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divide the proceeds thereof amongst the owners or to divide and distribute the property in hand as to them may seem best without being required to obtain or have authority therefore from any Probate Court in this or any other State and I do further authorize and empower said Executors and enjoin upon them that if a majority of the acting qualified executors aforesaid shall at any time before distribution of my estate become satisfied that any one of my said children is intemperate in the use of intoxicating liquors or wasteful of his or ___ means or otherwise incapable of managing or taking care of his or___property then and in that case for the acting executors aforesaid to hold and retain and manage the share of my estate of such vicious or incompetent child and deliver to such child such portion of the income thereof as may be necessary for the comfortable maintainance of such child.

Eighth. The provision herein made for my wife is in lieu of her share of our common property and of all allowance for support of family and of homestead rights. And having provided herein for all my children equally and wishing that they may ultimately share alike my entire estate of common and separate property and as the first four named of said children are mine by previous marriages and would not inherit from my present wife. I do therefore believing it to be just, request my surviving wife to make soon after my death her last will and testament therein giving all of herpart of our property equally to the said ten children so that

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they after the death of both of us may have and enjoy share and share alike our entire property.

In testimony whereof, I hereunto subscribe my name and affix my seal this 23rd day of May 1877.

Woods Mabury (seal)

Witnesses:

H. H. Reynolds, San Jose.

L. Archer, San Jose.

Annexed to thewill is thefollowing Codicil.

Whereas I, Woods Mabury of theCounty of Santa Clara and State of California have made my last will and testament in writing bearing date the twenty third day of May in the year of Our Lord one thousand eight hundred and seventy seven in and by which I have given and bequeathed to my wife and children all my property as therein set forth.

Now therefore, I do by this writing which I declare to be a Codicil to said last will and testament and to be taken as a part thereof order and declare that my will is that any of my children that have died or may hereafter die, before my death leaving only one child, that child so left, shall receive only a half share of the amount allotted to their father or mother as the case may be. My object in this is to do as near equal justice to all my children and their heirs as possible therefore, if any of my children, should die leaving two or more children the said children are tohave the full share of their parents.

And lastly it is my desire that this Codicil be anexed to and made a part of my lastwill and testament as aforesaid to all intents and purposes.

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In Witness Whereof, I have hereunto subscribed my name and affixed my seal the 11th day of August in the year of Our Lord one thousand eight hundred and eighty one.

Woods Mabury (seal).

The above written instrument was subscribed by the said Woods Mabury in our presence and acknowledged by him to each of us and he at the same time, published and declared the above instrument so subscribed to be his last will and testament and we at the testators request and in his presence have signed our hands as witnesses thereto.

A. E. Pomeroy, San Jose, Cal. Cashier Bank.

H. M. Leonard, Santa Clara, Cal., President Bank.

Aug 1

Petition of Mary Ann Mabury, Charles W. Breyfogle and Frank H. Mabury for Probate of Will filed.

Shows:-

That Woods Mabury died on July 16, 1884 at the City of San Jose, County of Santa Clara, State of California, being at the time of his death a resident of said County and leaving estate therein and in other Counties in said State and also in the State of Indiana consisting of real and personal property, viz:

An undivided 1/2 interest in one block of land in the City of San Jose, Santa Clara County, Value of said 1/2 interest including the improvements on said block which belongs to the estate $5000.00 or thereabouts.

One 50 vara lot in the City of San Jose, California (residence of the deceased) of the value

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of $10000 or thereabouts.

One lot in the City of San Jose, California of the value of $3000.00 or thereabouts.

One lot fronting on the Alameda between Santa Clara and San Jose, California of the value of $2400.00 or thereabouts.

(and land in other counties and in the State of Indiana)

That part of said real estate improved yields rents of $___per month or thereabouts.

(at present time amount unknown)

Personal property consists of Bank Stock, Rail Road Bonds, Promissory Notes, Money on hand and on deposit and household furniture.

That the dividends arising from the said shares of stock and bonds are at the present time unknown to petitioners and cannot for some time be ascertained as the said shares of stock and bonds were held by deceased in Corporations in the State of Indiana and in different places in the State of California.

All of the real property situate in Clark County, State of Indiana is separate property. The same having been acquired and owned by said deceased before his marriage with his surviving wife.

All of the other estate both real and personal is community property the same having been acquired by said deceased after his marriage with his surviving wife.

That the estate and effects do not exceed the sum of $185,000.00.

That said deceased left a will bearing date

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May 23, 1877 in the possession of The Bank of San Jose which petitioners believe to be the last will and testament of said deceased and which is herewith presented to said Superior Court.

That petitioners Mary Ann Mabury, Charles W. Breyfogle and Frank H. Mabury named in said will as executors thereof consent to act as such and Mary Ann Mabury (widow) aged 63 years, residing at San Jose, California, James B. Mabury aged about 50 years, residing at Chillicothe, Ohio. Ollie H. Breyfogle aged about 43 years, residing at San Jose California; Laura H. Carlton aged about 36 years, residing at San Jose, California; Mary W. Mabury aged about 34 years, residing at San Jose, California Frank H. Mabury aged about 32 years residing at San Jose, California; Coulter P. Mabury aged about 29 years residing at San Jose, California; Lillian V. Ginty aged about 26 years, residing at San Jose, California; Nevada Cahill aged about 21 years residing at San Jose, California, Alexander W. Mabury aged about 42 years residing at San Jose, California Sons and daughters of said deceased. are named therein as devisees and Harry A. Clark a grandson of said deceased aged about 20 years, residing at San Jose, California (devisee).

That the subscribing witness to said will are H. H. Reynolds, L. Archer and H. M. Leonard, residing in said County of Santa Clara and A. E. Pomeroy residing in the County of Los Angeles, California.

That the next of kin and heirs at law of said testator and the names, ages and residences of said heirs are as hereinbefore shown.

1884

That at the time said will was executed to wit; May 23rd 1877 said Testator was of the age of 70 years or thereabouts and was of sound and disposing mind and not acting under duress, menace, fraud or undue influence and was in every respect competent by last will to dispose of all his estate.

That said will is in writing signed by the said testator and attested by said subscribing witnesses at the request of said testator subscribing their names to the said will in the presence of the said testator and in the presence of each other; and petitioners allege that said witnesses at the time of attesting the execution of said will, were and are now competent.

That the said Frank H. Mabury becomes one of said Petitioners and asks for Letters Testamentary under the provisions of said will upon the grounds that his brother Alexander W. Mabury named in said will as one of the Executors thereof renounces his right to petition and to letters Testamentary as appears by his renunciation to Letters Testamentary this day filed herein.

Wherefore petitioners pray that the said will may be admitted to Probate and that Letters Testamentary be issued to them &c.

Dated August 1st 1884.

(Sgd) Mary Ann Mabury

C. W. Breyfogle

F. H. Mabury.

Aug 1 Renunciation and Request filed.

The undersigned having been named as one of the

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Executors in the Will of his Father Woods Mabury deceased respect fully declines the appointment as such and requests the appointment of his Brother Frank H. Mabury in his place and stead.
(Sgd) Alexander Woods Mabury.

Aug 1

Order appointing Friday August 15, 1884 day for proving said Will of Woods Mabury deceased and hearing said application of Mary Ann Mabury, C. W. Breyfogle and F. H. Mabury for Letters Testamentary thereon and directing that notice be given thereof by the Clerk of the Court by publication not less than ten days before said 15th day of July 1884 in the San Jose Daily Herald and that copies of said notice of time appointed &c be addressed to the heirs of the said testator resident in this State at their respective places of residence as set forth in said petition and deposited in the U. S. P. O. at the City of San Jose with the postage thereon prepaid at least 10 days before the said date of hearing said petition made, entered and filed.

Pro Rec 23 page 568

Aug 2

Affidavit of Thos. Bodley that on August 2nd 1884 he deposited in the U. S. P. O. at the City of San Jose in the County of Santa Clara a true copy of the Notice showing appointment of Aug 15/84 at the Court Room of said Court as the Time and place ~~appointed~~ for proving Will of said deceased and hearing said application for Letters Testamentary enclosed in an envelope, with the proper and necessary postage prepaid thereon and addressed to each of the fol-

S. J. A. Co per F. E. B.

1884 lowing named persons, to wit: Mary Ann Mabury, Ollie H. Breyfogle, Laura Helen Carlton, Mary Woods Mabury, Frank Hayward Mabury, Coulter Park Mabury, Lillian Ginty, Nevada Cahill, Alexander W. Mabury Harry A. Clark at their respective places of residence as set forth in the Petition for Probate of the will of said deceased filed August 1, 1884 to wit; all at San Jose, California, filed.

Aug 14 Affidavit of J. F. Thompson, principal Clerk of the printer of the San Jose Daily Herald of Publication of Notice showing appointment of Aug 15/84 at the Court Room of said Court the Time and Place ~~appointed~~ for proving Will of said Deceased and hearing said application for Letters Testamentary in said newspaper for thirteen consecutive days from and including the 2nd day of August 1884 to and including the 14th day of August 1884 Sundays excepted that being as often during the said period as said newspaper was regularly issued, filed.

S.J.N.Co per F.E.B.

Aug 15 Testimony on Probate of Will filed.

Aug 15 Certificate of Proof of Will filed.

Aug 15 Order admitting Will of Woods Mabury deceased to Probate and appointing Mary A. Mabury, Executrix and Charles W. Breyfogle and Frank H. Mabury Executors thereof and directing that Letters Testamentary issue to them without bonds upon their taking the oath required by law, made, entered and filed.

Pro Rec 23 page 588.

1884	
Aug 15	Will, Proof and Certificate of Proof recorded in Book F of Wills, page 66 and following.
Aug 16	Letters Testamentary with oaths annexed issued to Mary A. Mabury, Chas. W. Breyfogle and Frank H. Mabury recorded and duplicate filed. Book C Letters Testamentary page 626.
Aug 16	Order of Publication of Notice to Creditors in the San Jose Daily Herald at least once a week for four weeks made, entered and filed. Pro Rec 23 page 601.
Sept 12	Order appointing Jas. H. Clayton, H. M. Leonard and D. J. Porter, appraisers to appraise the estate of deceased within Santa Clara County, made, entered and filed. Pro Rec 24 page 65.
Oct 3	Affidavit of J. F. Thompson principal Clerk of the printer of the San Jose Daily Herald of Publication of Notice to Creditors in said newspaper for five consecutive weeks from and including August 18, 1884 to and including September 25, 1884 Sunday and Legal Holidays excepted that being as often during the said period as said newspaper was regularly issued, filed.
Nov 1	Inventory and Appraisement of estate in Santa Clara County, California filed. Moneys belonging tothe deceased which have

1884 come to the hands of the Executors $9866.06.

Personal Property (furniture) of the value of.....$800.00.

Real Property and Improvements situated in the City of San Jose;

An undivided 1/2 interest in Lots No. 61, 62, 63, 64, 67, 68, 69, and 70 in Block No. 6 in Whites Addition,.....$3200.00.

Two story frame house and outer buildings there to belonging on Lots No. 61 in said Block No. 6 Whites Addition said House and Improvements being the entire property of said estate.....$800.00.

(and other property)

Total appraised value of estate in Santa Clara County, California.....$144449.81.

The estate mentioned in the foregoing inventory is community property.

(Duly Verified)

Nov 15 Order appointing James A. Clayton, H. M. Leonard and D. J. Porter appraisers to appraise the estate of deceased discovered since last appraisement was filed, made, entered and filed.

Pro Rec 24 page 241.

Nov 28 Inventory and Appraisement filed.

Shows: 363 shares of The Ohio Falls Car Works, $13612.50.

1885

July 1 Decree showing that Due and Legal Notice to Creditors has been given, made, entered and filed.

Pro Rec 25 page 382.

1885

July 24 — Order appointing Jas. A. Clayton, H. M. Leonard and D. J. Porter appraisers made, entered and filed.

Pro Rec 25 page 462.

1886

Mar 9 — Inventory and Appraisement filed.

(No real estate).

Mar 9 — Report and First Annual Account of Executors filed.

Mar 9 — Vouchers, filed.

Mar 9 — Order appointing Friday March 26, 1886 day for the settlement of "First Annual Account" and directing that the Clerk give notice thereof by causing notices to be posted in at least three public places in Santa Clara County at least 10 days before saidday of Settlement, according to law made, entered and filed.

Pro Rec 27 page 166.

Mar 10 — Affidavit of L. M. Hall, of posting on March 10, 1886 exact and true copies of the Notice of Time and Place appointed for the settlement of "First Annual Account" in three of the most public places within the County of Santa Clara (naming them) filed.

Mar 26 — Hearing on settlement of said Account continued until March 31, 1886.

1886 Pro Rec 27 page 231.

June 8 Decree (dated March 31, 1886) of Settlement of First Annual Account of Executors and Confirmation of their Report filed and entered.

Pro Rec 27 page 527.

1887

Jan 19 Election by widow to take under will filed.

Known all men by these presents, that I, Mary Ann Mabury surviving wife of said Woods Mabury deceased being fully advised in the premises and believing that said deceased did not intend or attempt by last Will and Testament to dispose of more than his separate property and one half of his and my community property except to me and believing that under and by said will all my rights as widow of said deceased are fully provided for and being fully satisfied to take under said will.

Now Know All Men, that I, said widow have and do elect to take under said will of said deceased and renounce any and all other claim to any part of the estate of said deceased or the property thereof whether real or personal.

Witness my hand and seal this January 15th A. D. 1887.

Mary A. Mabury (seal)

Witness:

N. Bowden.

Acknd. January 15, 1887.

By Mary A. Mabury,

Before Nick Bowden, N. P.

1889

Sept 7 — Second annual account of Executors with vouchers, filed.

Sept 7 — Order made, filed and entered, appointing Friday September 20th 1889 at 11 A. M. for hearing on settlement of second annual account of Executors.
Prob Rec 34 page 339.

Sept 7 — Affidavit of H. E. Wilcox of posting on September 7th 1889 exact and true copies of the within notice (Clerks notice of time and place appointed for hearing on settlement of second annual account of Executors) in three of the most public places (naming them) within said County of Santa Clara, filed.
Duly Verified.

Sept 27 — Decree of settlement of second annual account of Executors, entered and filed.
Dated September 20, 1889.
Pro Rec 34 page 431.

1895

July 30 — Petition of Mary A. Mabury and Frank H. Mabury for the appointment of Mary W. Mabury as co-executrix under the provisions of the will of decedent in the place and stead of Charles W. Breyfogle now deceased, filed.

July 30 — Clerks orderappointing August 9th 1895 at 10 A. M. for hearing foregoing petition for appointment of Executrix filed.

1895
July 31 — Affidavit of J. J. Bradley of posting on July 30th 1895 exact and true copies of the within notice (Clerks Notice of time above appointed for hearing petition for appointment of co-executrix) in three of the most public places (naming them) in Santa Clara County, filed.

Duly Verified.

Aug 9 — Order entered continuing hearing two weeks.

Pro Rec 52 page 21.

Aug 27 — Nomination and appointment of Mary W. Mabury as Executrix of the last will of decedent in the place and stead of Charles W. Breyfogle now deceased by Mary A. Mabury and Frank H. Mabury, filed.

Aug 28 — Order filed and entered, appointing Mary W. Mabury, Executrix of the last will of Woods Mabury deceased and directing Letters Testamentary to issue to her, upon her taking the oath and without being required to give bond.

Dated August 27, 1895.

Pro Rec 53 page 69.

Aug 31 — Letters Testamentary issued to Mary W. Mabury and duplicate with oath annexed filed and recorded.

Book F Letters Testamentary page 119.

Mary A. Mabury
C. W. Breyfogle and
F. H. Mabury
Executrix and Executors of the
Estate of Woods Mabury, deceased.

— To —

Hiram Mabury.

D E E D

Dated February 27, 1885

Cons: $200.00.

Grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever all those certain lots, pieces or parcels ofland situate lying and being in the City of San Jose, County of Santa Clara State of California and bounded and particularly described as follows, to wit, known on a Map or plan of said City of San Jose made by one Sherman Day as Lots numbered 67, 68, 69 and 70 in Block 6 Charles Wnites Addition said lots being each 50 varas square and being bounded as follows, to wit:

Beginning at the North West corner of Third Street and Empire Street; thence Westerly along the North side of said Empire Street 137 1/2 feet; thence Northerly the distance of four fifty varas; thence Easterly 137 1/2 feet; thence Southerly the distance of four 50 varas to the place of beginning. This Indenture is made in pursuance of an amicable division of the eight lots now owned by Woods and Hiram Mabury purchased by them of one R. P. German and wife on the 2d day of September A. D. 1867 and the deed therefor recorded in Liber "Z" of Deeds, page 122 et seq Records of Santa Clara County, California.

(Sgd) Mary Ann Mabury (seal)

C. W. Breyfogle (seal)

F. H. Mabury (seal)

Witness; James B. Capp

Acknd. February 28, 1885

By Mary A. Mabury (a widow) Executrix of the Estate of Woods Mabury, deceased.

Before James B. Capp, N. P.

Acknd. March 2, 1885

By Frank H. Mabury and C. W. Breyfogle Executors of the Estate of Woods Mabury, deceased.

Before James B. Capp, N. P.

Recorded March 2, 1885

Liber "77" of Deeds, page 581.

ARTICLES OF INCORPORATION

OF THE

H. & J. MABURY TRUST COMPANY.

Dated January 21, 1893.

Know All Men By These Presents:

That we, the undersigned, all of whom are citizens and residents of the State of California, have this day voluntarily associated ourselves together for the purpose of forming a Corporation under the laws of the State of California.

And We Hereby Certify:

First: That the name of the said Corporation is the H. & J. Mabury Trust Company.

Second: That the purpose for which it is formed are;

(a) To acquire by gift, purchase or otherwise, real and personal property, and to hold, sell, convey, mortgage, rent and lease real and personal property, and to improve such real property by building or otherwise.

(b) To act as agent for persons, firms or corporations in executing commissioners, making collections, paying taxes buying, selling, and improving real estate and personal property, investing money, and negotiating loans.

(c) To act in the capacity of a fiduciary agent of any person, firm or corporation residing or located in any of the United States, or in any foreign country; to take charge of, manage, control, and administer estates; to receive, hold, invest, and manage trust funds and trust securities of all kinds; to act as guardian, assignee, attorney, receiver, depository or trustee.

Also to hold stock or other property as trustee or pledgee, as collateral to secure debts, and for other purposes

in the transaction of business.

(d) To engage in publishing books, magazines, pamphlets or newspapers; in manufacturing of all kinds, in raising, canning and preserving fruits; in stock raising, mining, constructing houses or other buildings, in contracting, constructing, operating and maintaining flumes, ditches, water-ways, mills, roads, wharves, ferries, ferry-boats, ware-houses, electric or steam or chemical works.

(e) To buy and sell merchandise, water-rights, stocks, bonds, notes, accounts, and all other kinds of property real, personal, and mixed, and to acquire the same by gift or otherwise.

(f) To make loans to persons and corporations; to borrow money, and when desirable, to secure the same by pledge, mortgage or otherwise, of personal or real property; Also to receive, hold or borrow money for the purpose of re-loaning or investing the same; to make loans to the stockholders of this corporation for the purpose of aiding them in acquiring or improving real estate, and for other purposes, taking their mortgages, or other securities, including their stock in this corporation, for such loans; and to engage in business of any and every kind for which individuals may lawfully associate themselves:

Third: That the place where the principal business of said corporation is to be transacted is the City of San Jose, in the County of Santa Clara, State of California.

Fourth: That the term for which said corporation is to exist is fifty years from and after the date of its incorporation.

Fifth: That the number of Directors of said corporation shall be five, and that the names and residences of the directors who are appointed for t he first year, and to serve

until the election and qualification of such officers are as follows, viz:

NAMES.	RESIDENCES.
Hiram Mabury,	San Jose, Santa Clara County, California.
Josephine Mabury,	San Jose, Santa Clara County, California.
Blanche Mabury,	San Jose, Santa Clara County, California.
Paul Mabury,	San Jose, Santa Clara County, California.
Bella Mabury,	San Jose, Santa Clara County, California.

Sixth: That the amount of the Capital Stock of the said corporation is two hundred thousand dollars, and the number of shares into which it is divided is two thousand of the par value of one hundred dollars each.

Seventh: That the amount of the said Capital Stock which has been actually subscribed is two hundred thousand dollars and the following are the names of the persons by whom the same has been subscribed and the amounts subscribed by each of them viz:

NAMES.	SHARES	AMOUNT.
Hiram Mabury	1910	$191,000.
Josephine Mabury	20	$ 2,000.
Blanche Mabury	10	$ 1,000.
Paul Mabury	10	$ 1,000.
Carlotta Mabury	10	$ 1,000.
Lee Mabury	10	$ 1,000.
Bella Mabury	10	$ 1,000.
Eugenia Mabury	10	$ 1,000.
Josephine Mabury as Trustee of Eloise Mabury.	10	$ 1,000.

In witness whereof, we have hereunto set our hands

and seals this 21st day of January A. D. 1893.

(Sgd) Hiram Mabury (Seal)

Josephine Mabury (Seal)

Blanche Mabury (Seal)

Paul Mabury (Seal)

Bella Mabury (Seal)

Acknd. January 21, 1893.

Before C. M. Lorigan, N. P.

Filed January 21, 1893.

In the office of the County Clerk of the County of Santa Clara, State of California.

Hiram Mabury and

Josephine Mabury, his wife

— To —

"The H. and J. Mabury Trust Company"

D E E D

Dated May 26, 1893

Cons: $10.

Grant, bargain, sell, convey and confirm unto the said party of the second part and to its successors and assigns forever, all those certain parcels of land in the City of San Jose, County of Santa Clara bounded and described as follows, to wit:-

Lots number 67, 68, 69 and 70 in Block number 6 in Charles Whites Addition to the City of San Jose according to the Map or plan of said City made by one Sherman Day said lots being each 50 varas square and bounded as follows, to wit:-

Beginning at the North West corner of Third and Empire Streets thence Westerly along the North side of Empire Street 137 1/2 feet; thence Northerly the distance of 550 feet; thence Easterly 137 1/2 feet; thence Southerly the distance of 550 feet to the place of beginning.

(and other property)

Acknd. May 26, 1893

Before Wesley Pieper, N. P.

Recorded June 7, 1893

Book 157 Deeds, page 604.

H. & J. Mabury Trust Company (a corporation)

By Josephine Mabury, President.

By Eloise Mabury, Secretary.

To

Wm. L. Fitts.

D E E D

Dated December 28, 1906

Cons: $10.

Grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever all that certain parcel of land in the County of Santa Clara, State of California described as follows, to wit:-

Being Lot number 1 of the Mabury Tract according to a Map of the Mabury Tract being subdivision of Lots 67, 68, 69 and 70 Block 6 White's Addition to the City of San Jose, surveyed by Chas. Herrmann of Herrmann Bros. Surveyors & C. E. San Jose, California and recorded April 2, 1906 in the office of the County Recorder of Santa Clara County in Book L Maps page 32.

Acknd. January 15, 1907

Before Ernest G. Taylor, N. P.

Los Angeles County.

Recorded January 28, 1907

Book 316 Deeds, page 62.

Note: No further search made as to above described property.

H. & J. Mabury Trust Company, a corpn.

By Josephine Mabury, President

By Eloise Mabury, Secretary

To

N. S. Carman

D E E D

Dated February 14, 1907

Cons: $10.

Grant, bargain, sell, convey and confirm unto the said party of the second part and to his heirs and assigns forever, all those certain parcels of land in the City of San Jose, County of Santa Clara, State of California bounded and described as follows, to wit:-

Lots 7 and 8 of the Mabury Tract (said Mabury Tract being a subdivision of lots 67, 68, 69 and 70 in Block 6 Charles Whites Addition to the City of San Jose) according to a Map of said Mabury Tract as recorded in the office of the County Recorder of the County of Santa Clara, State of California in Book "L" of Maps at page 32 Records of Santa Clara County.

Acknd. February 20, 1907

Before Ernest G. Taylor, N. P.

Los Angeles County.

Recorded May 5, 1907

Book 317 of Deeds, page 13.

Note: No further search made as to above described property.

TAXES

STATE COUNTY AND CITY

Fiscal years

1906-1907 Paid

1907-1908 Now a Lien.

NO JUDGMENT LIENS.

The foregoing CONTINUATION consisting of pages 53 to 59 inclusive, made at SAN JOSE, CALIFORNIA, OCTOBER ELEVENTH 1907 at Nine o'clock A. M.

SAN JOSE ABSTRACT COMPANY

By J C Edwards

Manager.

Continuation of the Foregoing Abstract.

A S T O

The property remaining of record in the name of the H.& J.Mabury Trust Company, a corporation.

NOTHING FURTHER.

T A X E S.

S T A T E C O U N T Y & C I T Y.

Fiscal Year.

1907-1908 1st.Installment Due and Payable.

2nd.Installment Now a Lien.

N O J U D G M E N T L I E N S.

The foregoing CONTINUATION consisting of pages 60 and 61 made at SAN JOSE, CALIFORNIA, NOVEMBER THIRTIETH 1907 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY.

By D C Edwards

Manager.

Continuation of the Foregoing Abstract

AS TO

Lot 4 Mabury Tract.

H. & J. Mabury Trust Co.,

—— To ——

Edward F. Sippel.

D E E D

Dated November 16, 1907.

Cons. $10

Doth grant, bargain and sell, convey and confirm unto the said party of the second part, and to his heirs and assigns forever, all that piece or parcel of land, lying and being in the City of San Jose, County of Santa Clara, State of California, bounded and described as follows, to wit:-

Being Lot No. 4 of the Mabury Tract, according to a Map of the Mabury Tract, being Subdivision of lots 67-68-69 and 70, Block 6 Whites Addition to the City of San Jose, surveyed by Chas. Herrmann, of Herrmann Brothers, Surveyors and C.E. San Jose, California, and recorded April 2d. 1906, in the office of the County Recorder of Santa Clara County, State of California, in Book "L", of Maps page 32.

(Sgd) H. & J. Mabury Trust Company,

(Corporate) By Josephine Mabury, President

(Seal) By Eloise Mabury, Secretary.

Acknd. as a corporation. November 23, 1907.

Before Ernest G. Taylor, N. P. in and for the County of Los Angeles, State of California.

Recorded December 18, 1907.

Book 327 Deeds page 173.

SAN JOSE ABSTRACT COMPANY
SAN JOSE, CAL.

Edward F. Sippel owner

—— and ——

Wolfe & Wolfe, Contractors.

NOTICE OF COMPLETION

Dated March 6, 1909.

Notice is hereby given by the undersigned owner, Edward F. Sippel, of that certain property situated in the City of San Jose, County of Santa Clara, State of California, described as follows:-

Situated on North third Street, betwen Empire and Jackson Street on the West side of third Street.

That labor has been performed and material furnished in the construction of a certain sevn room frane building on said property, commencing on or about the 15th day of October 1908, under a certain contract between the undersigned and Wolfe & Wolfe, dated October 15th, 1908. The said building or structure completed was completed March 6th on the 6th day of March 1909.

Edward F. Sippel.

Subscribed and sworn to by Edward F. Sippel, March 10, 1909.

Before Frank L. Dreischmeyer, N. P.

Ackn. by Edward F. Sippel March 10, 1909.

Before Frank L. Dreischmeyer, N. P.

Recorded March 10, 1909.

Book 22 Miscellaneous page 398.

Note:- Builders Contract between Wolfe & Wolfe, Contractors and E. __ Sipple, for the erection of a one and one half story cottage, situated on Lot No. 4 Mabury Tract, was filed in County Recorder's Office, Santa Clara County, November 2, 1908.

T A X E S

S T A T E C O U N T Y A N D C I T Y

Lot 4 of the Mabury Tract.

Fiscal Years

1907 - 1908	Paid
1908 - 1909	1st Installment paid
	2nd Installment due and payable
1909 - 1910	Lien Attached.

N O J U D G M E N T L I E N S

The foregoing CONTINUATION consisting of pages 62 to 65 inclusive made at SAN JOSE, CALIFORNIA, MARCH THIRTY-FIRST, 1909 at Nine o'clock A. M.

SAN JOSE ABSTRACT COMPANY

By J. M. Pitman

Manager.

Continuation of the Foregoing Abstract

AS TO

Lots numbered 9 and 10 of the Mabury Tract, being Subdivision of Lots 67-68-69 and 70, Block 6 of Whites Addition in the City of San Jose.

Subsequent to November 30th 1907 at Nine A. M.

NOTHING FURTHER.

T A X E S

S T A T E C O U N T Y A N D C I T Y

Lots 9 and 10 of the Mabury Tract, being a Subdivision of Lots Nos. 69 and 70 Block 6 White Addition.

Fiscal Years

1907-1908 Paid

1908-1909 Paid

1909-1910 Lien Attached

N O J U D G M E N T L I E N S

The foregoing CONTINUATION consisting of pages 66 and 67 made at SAN JOSE, CALIFORNIA, APRIL TWENTY FOURTH, 1909 at Nine o'clock A. M.

SAN JOSE ABSTRACT COMPANY

By J. C. Edwards.

Manager

Continuation of the Foregoing Abstract

AS TO

All those certain lots, pieces or parcels of land situate in the City of San Jose, County of Santa Clara, State of California, described as follows, to wit:-

Lots Numbered Seven (7) and Eight (8) as the said lots are delineated and so designated upon that certain map entitled "Map of the Mabury Tract being subdivision of Lots 67, 68, 69 and 70, Block 6 White's Addition to the City of San Jose, Surveyed November 3d, 1905 by Chas. Herrmann of Herrmann Bros., Surveyors & C. E. San Jose, Cal", filed April 2nd, 1906 in Book "L" of Maps, at page 32 thereof, in the office of the County Recorder of the County of Santa Clara.

Subsequent to February 14th, 1907, the date of the Deed H. & J. Mabury Trust Company, a Corporation etc. to N.S.Carman of Record in Liber 317 deeds, page 13.

For instrument affecting see page 58 of the foregoing Abstract.

Superior Court
of the
County of Santa Clara

In the Matter of the Estate
of (Continued)
Woods Mabury, Deceased

REG. E. PAGE 165 ESTATE NO. 1677

1896

Sept. 7 Third Annual Account of Executors with vouchers, filed.

Sept. 7 Clerk's order appointing September 18,1896 at 10 A. M. for hearing foregoing account of Executors, filed.

Sept. 7 Account of Trustees of estate of Park C. Mabury, filed.

Sept. 7 Clerk's order appointing September 18,1896 at 10 A. M. for hearing on settlement of account of Trustees for Park C. Mabury, filed.

Sept. 8 Affidavit of F. A. Schilling of posting on September 7th, 1896, exact and true copies of the within notice (Clerk's notice of time and place appointed for hearing on settlement of third annual account of Executors) in three of the most public places (naming them) in the County of Santa Clara, filed.

Duly verified.

1896

Sept.8 Affidavit of F. A. Schilling of posting on September 7, 1896, exact and true copies of the within notice (Clerk's Notice of time and place appointed forsettlement of account of trustees of estate of Park C. Mabury) in three of the most public places (naming them) in the County of Santa Clara, filed. Duly verified.

Sept. 18 Hearing of Third Account of Executors and account of trustees for Park C. Mabury ordered continued one week.

Min. Book page

Sept. 28 Decree of Settlement of Third annual account of Executors entered and filed.
Dated Sept. 25, 1896. Prob. Rec. 47, page 541.

Sept. 28 Decree of settlement of account of Trustees for Park C. Mabury, entered and filed.
Dated September 25, 1896.
Prob. Rec. 47, page 542

1908

May 13 Assignment by Park C. Mabury, one of the heirs at law of the Estate of Woods Mabury, deceased and one of the devisees mentioned in the last Will and Testament of said Decedent, of all his right, title, interest and estate in and to the real and personal property belonging to the Estate of said Woods Mabury, deceased, wherescever situated, that has, or will hereafter, come into the possession of the Executors and Trustees of said Will and Testament to Ann C. Evans, (dated November 4,1907) filed.

1909

Aug. 17 Final Account of Executors, filed.

Aug. 17 Petition of Frank H. Mabury, Executor and Trustee and Mary W. Mabury, Executrix and Trustee of the last will and testament of Woods Mabury, deceased, and the sole surviving Executors and Trustees thereof, for Distribution of Estate, filed.

Shows: (Previous proceedings)

That all the debts of said decedent and of said estate and all the expenses of the administration thereof incurred and all taxes that have attached to or accrued against said estate have been paid and discharged, and that said estate is now in a condition to be closed.

That said estate was part separate and part community property.

That said deceased died testate in San Jose, Santa Clara County, California, on or about July 16, 1884, leaving him the following heirs, viz:

Mary A. Mabury, James B. Mabury, Ollie H. Breyfogle Laura H. Carlton, Mary W. Mabury, Frank H. Mabury, Park C. Mabury, Lillian V. Ginty, Nevada Cahill, Alexander W. Mabury, sons and daughters and Harry A. Clark, a grand son.

That by will which was duly admitted to probate herein on August 15, 1884, said decedent devises and bequeaths his whole estate to the above named heirs and devisees and legatees in the proportion and manner in said will specified and subject to the trusts created and established by said last will and testament.

That on August 18, 1884, Alexander W. Mabury,

1909

one of said heirs and devisees departed this live unmarried and without issue.

That heretofore and prior to the year 1899 James B. Mabury, one of said heirs and devisees for value received sold, assigned, transferred and set over unto Lillian V. Ginty, all of his right, title and interest in and to the property belonging to said estate, lying and being in the County of San Diego, State of California, and Harry A. Clark, the grandson, and one of said devisees, for value received, sold, assigned, transferred and set over all of his right, title and interest in and to all of the property of said estate unto Helen A. Mabury. That Lillian V. Ginty and Helen A. Mabury have been recognized by the Executors and Trustees as representatives of said James B. Mabury and Harry A. Clark respectively subsequent to said transfer.

That in March 1885 it was determined by the Executors of said last will and testament to make by virtue of their plenary powers under the will of said deceased, a partial distribution by way of further advancements to the devisees named in said will. That said distribution was fully reported and exhibited to this Court in connection with the first annual account of the executors of said will and which distribution also received the full approval of all of the heirs and devisees of said estate, all of which is made to appear by papers and files on record in the above entitled court and cause. That in and by said distribution the property hereinafter firstly de-

1909

scribed, known as the Homestead property was distributed and set aside unto Mary A. Mabury, the widow of said decedent, and the property hereinafter secondly and thirdly described was distributed and set aside unto Lillian V. Ginty, situated on San Augustine Street in San Jose Santa Clara County, California, and the property fourthly fifthly, sixthly, seventhly, eighthly, ninthly, tenthly and eleventhly hereinafter described was distributed and set aside unto Frank H. Mabury, known as the Empire Street lots and improvements thereon and all of the other property hereinafter described was distributed and set aside unto Park C. Mabury known as the lot on the Alameda.

That by proper proceedings and mesne conveyances to Revere, Inc. a corporation, organized and existing under and by virtue of the laws of the State of California, it is now the owner of the property firstly hereinafter described and is entitled to distribution thereof, and that Antonio Vatuone is the owner of and entitled to distribution of the property secondly hereinafter described, and Mary L. Start a widow, is the owner of and entitled to distribution of the property thirdly hereinafter described, and Helen A. Mabury is the owner of and entitled to distribution of the property fourthly hereinafter described, and Mary L. Brown wife of F. B. Brown is the owner of and entitled to distribution to the property fifthly hereinafter described; and A. E. Utschig, who acquired title under the name of Mamie E. Sollman, is the owner of and entitled to distribution of the property sixthly

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hereinafter described, and Florence A. Cadwallader who acquired title under the name of Florence A. Mabury, is the owner of and entitled to distribution of property seventhly hereinafter described; and Katie L. Hollar, wife of Elmer L. Hollar, is the owner of and entitled to distribution of the property eighthly hereinafter described, and Sanford E. Smith is the owner of and entitled to distribution of the property ninthly hereinafter described and that Juanita Halsey is the owner and entitled to distribution of the property tenthly hereinafter described, that the H._ J.Mabury Trust Company, a corporation, and their numerous and respective grantees, are the owners of and entitled to distribution of the property eleventhly hereinafter described; that Dan Murphy is the owner and entitled to distribution of the property twelfthly hereinafter described, that Park C. Mabury is the owner and entitled to distribution of the property thirteenthly hereinafter described;

That said successors in interest to said heirs are entitled to distribution of the entire residue of said estate.

Pray that the administration of said estate may be brought to a close, that they may be discharged from their trust as such Executors, that after due notice is given and proceedings had, the estate as aforesaid may be distributed to the parties entitled thereto, and their respective titles perfected as aforesaid, to wit:-

11th: To H. & J. Mabury Trust Co. a corporation and the respective grantees of said corporation that certain pieces and parcels of land in the City

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of San Jose, County of Santa Clara, State of California, and described as follows:-

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the Mabury Tract, being a subdivision of Lots 67 68, 69 and 70 in Block 6 Charles Whites Addition in the City of San Jose as laid down and delineated upon a map of said tract of record in Book D of Maps, at Page 32.

(and to other parties, other parcels)

And that such other and further orders may be made as is meet in the premises.

Dated August 17th, 1909.

(Sgd) Frank H. Mabury, executor
Mary W. Mabury, executrix
of the Estate of Woods Mabury, decd.

Aug. 17 Clerk's notice showing appointment of August 27, 1909, day for the settlement of said Final Account, and hearing upon said Petition for Distribution of Estate, filed.

Aug. 18 Affidavit of W. Denker of posting on August 17, 1909, exact and true copies of the Notice of Time and Place appointed for the settlement of said Final Account and hearing upon said Petition for Distribution of Estate in three of the most public places in the County of Santa Clara (naming them) filed.

Aug. 27 Vouchers filed.

Aug. 27 Order settling Final Account and distributing estate as prayed for, made and entered.

P. R. p

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Aug. 30

Decree settling Final Account and distributing Estate, filed and entered.

P. R. 93, page 389

Frank H. Mabury, Executor and Mary W. Mabury Executrix of the last will and testament of Woods Mabury, deceased, and the sole surviving Executor and Trustee thereof, having on August 17, 1909, rendered and filed herein a full account and report of their administration of said estate, which account was for a final settlement and having with said account filed a petition for the final distribution of the estate.

And said account and petition this day coming on regularly to be heard, proof having been made to the satisfaction of the Court that the Clerk has given notice of the settlement of said account, and the hearing of said petition, in the manner and for the time required by law.

And it appearing that said account is in all respects true and correct, and that it is supported by proper vouchers, that the residue of money in the hands of the Executor at the time of filing said account was $47.71; that since the rendition of said account nothing has been received by the Executors, that the sum of $6.00 has been expended by them as necessary expenses of administration, the vouchers whereof, together with a statement of such disbursements, are now presented and filed, and said statement is now settled and allowed, and the payments are approved by this Court; that the estimated expenses of closing the estate will amount to $41.71 leaving no residue.

And it appearing that all claims and debts

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against said decedent, all taxes on said estate, and all debts, expenses and charges of administration have been fully paid and discharged, and that said estate is ready for distribution and in condition to be closed;

That said Woods Mabury died testate in the County of Santa Clara, State of California, leaving him surviving:

Mary A. Mabury, his widow, and James B. Mabury Ollie H. Breyfogle, Laura H. Carlton, Mary W. Mabury, Frank H. Mabury, Park C. Mabury, Lillian V. Ginty, Nevada Cahill, Alexander W. Mabury, sons and daughters and Harry A. Clark, a grandson.

That by and through mesne conveyances by said heirs and by the executors of said last will and testament and through appropriate proceedings duly and regularly had in that behalf all of the right, title, estate and interest of whatsoever kind, nature or character possessed by each and all of said heirs or their representatives have heretofore been sold, transferred, granted, conveyed and set over unto the following named persons and corporations, who are now the owners and holders of all of the property mentioned and described in said petition for distribution and now are entitled to the residue of said estate, viz:-

Revere, Inc. a corporation, and Antonio Vatuone, Mary L. Start, a widow, Helen A. Mabury, wife of Frank H. Mabury, Mary L. Brown, wife of F. B. Brown A. E. Utschig, Florence A. Cadwallader, Katie L. Hollar, wife of Elmer L. Hollar, Sanford E. Smith Juanita Halsey, H. & J. Mabury Trust Company, a

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corporation, Dan Murphy and Park C. Mabury.

It is Ordered, Adjudged and Decreed that said final account of the Executors be and the same is hereby finally settled, allowed and approved, and that the property of said estate hereinafter particularly described be, and the same is hereby distributed to said parties entitled thereto, as follows:-

To H. & J. Mabury Trust Company, the property eleventhly hereinafter described.

(and to otherparties, other parcels)

The following is the particular description of the property and estate referred to in this decree and of which distribution is now ordered as aforesaid.

Eleventh: To H. & J. Mabury Trust Co. a corporation, those certain pieces or parcels of land situate lying and being in the City of San Jose, County of Santa Clara, State of California, and described as follows:-

Lots 1, 2, 3, 4, 5, 6, 7, 8, 9, 10 and 11 of the Mabury Tract, being a Subdivision of Lots 67, 68, 69 and 70 in Block 6 Charles White's Addition in the City of San Jose as laid down and delineated upon a Map of said tract of record in Book L of Maps, at Page 32.

(and to other parties, other parcels)

Dated August 27, 1909.

(Sgd) P. F. Gosbey,

Judge

Note:

A certified copy of foregoing Decree was filed in

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the office of the County Recorder of Santa Clara County, California, on August 30, 1909, and is of record therein in Book 349 of Deeds, at page 137 Records of said County.

Notice of Completion

— BY —

N. S. Carman

NOTICE OF COMPLETION

Dated May 29, 1909

Gives notice that the building consisting of a frame cottage, the contract for doing which was heretofore let to P. D. Foley, and which contract was filed for record in the Recorder's office of the County of Santa Clara, on February 5th, 1909 and which cottage is situated on said property was actually completed on May 22nd, 1909, and accepted by me on said day.

That his title to said property is that of owner.

That the property hereinbefore referred to and on which said ___ is situated is more particularly described as follows: Lot 8 Mabury Tract.

(Sgd) N.S.Carman

Subscribed and Sworn to May 29, 1909

Before Juanita Halsey, N. P.

Recorded May 29, 1909

Liber 23 Miscellaneous Records, page 64

TAXES

STATE COUNTY AND CITY

Fiscal Years

1907-1908 to 1910-1911 Paid

1911-1912 Now a Lien not yet payable.

NO JUDGMENT LIENS

The foregoing CONTINUATION consisting of pages 68 to 81 inclusive made at SAN JOSE, CALIFORNIA, AUGUST THIRTIETH 1911 at Nine o'clock A.M.

SAN JOSE ABSTRACT COMPANY

By J. C. Edwards

Manager